

1 Elizabeth Staggs-Wilson, Bar No. 183160
2 estaggs-wilson@littler.com
3 James Payer, Bar No. 292158
4 jpayer@littler.com
5 LITTLER MENDELSON P.C.
6 633 West 5th Street, 63rd Floor
7 Los Angeles, California 90071
8 Telephone: 213.443.4300
9 Facsimile: 213.443.4299

6 Jyoti Mittal, Bar No. 288084
7 jmittal@littler.com
8 LITTLLER MENDELSON P.C.
9 2049 Century Park East
5th Floor
Los Angeles, California 90067.3107
Telephone: 310.553.0308
Fax No.: 800.715.1330

10 Attorneys for Defendants
11 COMMUNITY BRANDS PARENTCO,
12 LLC, EDUCATION BRANDS, LLC, AND
MOBILECAUSE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA HOOVER, individually and
on behalf of all others similarly situated,

18 || Plaintiffs,

19

20 COMMUNITY BRANDS
21 PARENTCO, LLC, a Delaware
22 limited liability company;
23 COMMUNITY BRANDS LLC, a
24 Delaware limited liability company;
EDUCATION BRANDS, LLC, a
Delaware limited liability company;
MOBILECAUSE, INC., a Delaware
corporation,

25 Defendants.

Case No. 3:23-cv-04178-MMC

**ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF PATRICIA
HOOVER'S MOTION FOR
CONDITIONAL CERTIFICATION
UNDER 29 U.S.C. § 616(B)**

Complaint Filed: August 16, 2023
Trial Date: None Set

ORDER

On February 2, 2024, at 9:00 a.m., Plaintiff Patricia Hoover’s (“Plaintiff”) Motion for Conditional Certification under 29 U.S.C. § 216(b) came on for hearing before this Court (“Motion”), the Honorable Maxine M. Chesney presiding. The Court having read and considered the papers submitted in support of and in opposition to the Motion, and based upon the papers and pleadings on file in this matter, as well as oral argument of the parties, and good cause appearing, the Motion is hereby GRANTED in part and DENIED in part, as follows:

(1) Plaintiff is authorized to send Court-approved Notice of this lawsuit only to:

- (a) Employees of MobileCause, Inc. that were classified by MobileCause, Inc. as non-exempt, who worked in California within three years of the date of the notice, incurred overtime pay, and were eligible for or received a bonus, commission, or benefit stipend; and
 - (b) Employees of Education Brands, LLC that were classified by Education Brands, LLC as non-exempt, who worked in California beginning *the later of* three years before the date of notice or June 15, 2021, incurred overtime pay, and were eligible for or received a bonus, commission or benefit stipend (together (a) and (b) are the (the “FLSA Collective”)).

(2) Plaintiff's request to send Court-approved Notice of this lawsuit to employees of MobileCause, Inc., and Education Brands, LLC outside of the state of California is **Denied**

(3) Plaintiff's request to send the Court-approved Notice of this lawsuit to employees of Community Brands Parentco, LLC is **Denied**.

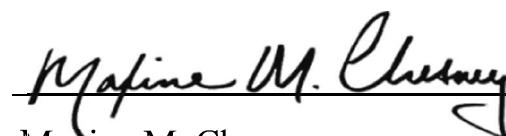
(4) Plaintiff's request to add GiveSmart U.S., Inc. as an employer whose employees are eligible to opt in is **Denied**.

(5) Plaintiff's request to toll the statute of limitations is **Denied**. The respective statute of limitations for each FLSA Collective member triggers from the opt in date of such person.

- 1 (6) Plaintiff's request that Notice be issued in the form submitted with the Motion and
2 the requested protocol for the issuance thereof is **Denied**.
- 3 (7) The form and content of Plaintiff and Defendants' (the "Parties") joint proposed
4 notice and consent form and reminder postcard, submitted on March 1, 2024, is
5 **Approved**.
- 6 (8) Judicial notice ("Judicial Notice") is to be sent to all the members of the FLSA
7 Collective by the Claims Administrator, Phoenix Settlement Administrators
8 ("Claims Administrator"), via email and U.S. Mail.
- 9 (9) Plaintiff's request that the opt in date be 60 days after Judicial Notice is served is
10 **Approved**. FLSA Collective Members must opt in within 60 days of service of
11 Judicial Notice.
- 12 (10) Defendants Community Brands Parentco, LLC, Education Brands, LLC, and
13 MobileCause, Inc, ("Defendants") will pay for all costs associated with the Claims
14 Administrator administering the Judicial Notice.
- 15 (11) Defendants are to produce to the Claims Administrator, within seven (7) days of
16 the date of this order, a list in Excel format, of the contact information for each
17 FLSA Collective member, including (1) names, (2) last known address, (3) last
18 known email address, and (4) dates of employment (collectively, the "Collective
19 Info").
- 20 (12) The Claims Administrator shall mail and email the Judicial Notice to the FLSA
21 Collective members within seven (7) days of receipt of the Collective Info, and shall
22 mail the reminder postcard to the FLSA Collective thirty (30) days after the initial
23 mailing.

24 **IT IS SO ORDERED.**

25 Dated: March 4, 2024



Maxine M. Chesney

United States District Judge